

Notice of Allowability

Application No.

10/012,215

Examiner

Christopher R. Magee

Applicant(s)

ITO ET AL.

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 6/13/05.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 19 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. The reply filed 06/13/2005 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.

Reasons for Allowance

2. Claims 1-15 are allowed.

The following is an examiner's statement of reasons for allowance:

- **Claims 1, 5 and 9** specify a disk drive apparatus which requires:

"a vibration-absorbing member provided to the other end of the movable member, said vibration absorbing member being provided to absorb vibrations transmitted to the disk tray;

wherein, when the disk is moved toward the stored position, the elevator drive mechanism moves the other end of the movable member toward the disk tray, thereby causing the vibration absorbing member to come in contact with another surface of the disk tray when the disk tray reaches its stored position, and thereby absorb the vibrations transmitted to the disk tray."

Soga '304 discloses when the base unit [9] is rotated upwards to an "ascent position", the fixing screw [122] does not contact the disk tray [2], but rather is accommodated within the notch [5] of the disk tray [2].

Kiyoshi '357 teaches a projection [91], made from metal or synthetic resin (i.e. rubber, plastic, nylon, etc.) that protrudes on the top face of object [25] and applies pressure to disk tray [4] to reduce vibrations and abolish noise generation (Kiyoshi English translation, sections 0042-0043).

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The combination of Soga and Kiyoshi does not teach, suggest or show the claim limitation requiring that the vibration absorbing member contact the surface of the disk tray when the disk tray reaches its stored position and thereby absorb the vibrations transmitted to the disk tray.

Therefore, these features, in combination with other features of claims 1, 5 and 9 are not anticipated by, nor made obvious over, the prior art of record of Soga et al. (US 5,737,304) and/or Kiyoshi et al. (JP 10-208357).

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christopher R. Magee
Patent Examiner
Art Unit 2653

August 19, 2005
crm


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